

Atty. Docket No. JP920020106US1  
(590.117)

**REMARKS**

This submission is made in response to the Non-Final Office Action dated February 24, 2006. Claims 1-20 are currently pending for examination, of which claims are 1, 8, 14, 18 and 20 are independent, claims 2, 3, 9 and 15 are dependent, and claims 4-7, 10-13, 16, 17 and 19 are withdrawn from consideration. Applicants have filed herewith an Amendment amending independent claims 1, 8, 14, 18 and 20.

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Examiner is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the foregoing amendments and following remarks. Amendments have been made to correct informalities in the claims and to clarify claim language. Applicants intend no change in the scope of the claims by the changes made by this amendment. It should be noted these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution.

**Examiner's Restriction Requirement of the claims under 25 U.S.C. § 121:**

Examiner previously made a Restriction Requirement for the current application in an Office Action dated September 30, 2005. Applicants, in response, traversed the Examiner's Restriction Requirement and provisionally elected the claims of Group I (e.g., claims 1-3, 8, 9, 14, 15, 18 and 20) in a response made on November 30, 2006. In the outstanding Office Action the Examiner responded to Applicants' traversal but did not make the Requirement final as per MPEP § 821.01. Applicants greatly appreciate the Examiner's willingness to further reconsider the Restriction Requirement. Applicants

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respectfully maintain their traversal of the Restriction Requirement made by the Examiner in the current application.

In their response to the Examiner's Restriction Requirement dated November 30, 2005 Applicants set forth a detailed argument for traversal the Examiner's Restriction Requirement. Applicants maintain their traversal on the basis of those arguments and hereby incorporate those arguments into this Response. In addition, Applicants respectfully submit that in order to be properly maintained a Restriction Requirement must set forth the reasons why each invention as claimed is either independent or distinct from the other claimed invention (as opposed to a mere statement of conclusion) and the reasons why there would be a serious burden if restriction is not required (i.e., the reasons for insisting upon restriction). MPEP § 808. Mere statements of conclusion are inadequate. The reasons upon which the conclusion is based should be given. The relationships between the claimed inventions should be addressed and the reasons for a conclusion of distinctness or independence should be set forth. MPEP § 808.01. MPEP §§ 806.05(c)-806.06 sets forth the criteria for a finding that claimed inventions are distinct or independent.

The Examiner, however, has not provided reasons for a conclusion of distinctness or independence according to these criteria. The Examiner, rather, has based the Restriction Requirement solely on a mere conclusion of distinctness and the premise that examination of all the claims in the current application would constitute a serious burden on the Examiner. Applicants respectfully submit that the Examiner's reasons for making a Restriction Requirement are inadequate. The Examiner has pointed toward divergent subject matter in the claims, different classification of the claims, and a different field of

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search for the claimed inventions as reasons for making the Restriction Requirement.

These are not reasons for a conclusion of distinctness or independence between the claimed inventions under MPEP §§ 806.05(c)-806.06 but reasons for maintaining that examination of all the claimed inventions would constitute a serious burden on the Examiner because of their established distinctness. See MPEP § 808.02.

Moreover, the Examiner in the Restriction Requirement seemingly paraphrased form paragraphs 8.21.01, 8.21.02, 8.21.03 listed in MPEP § 817. Applicants would like to respectfully point out that these form paragraphs are **conclusions** of serious burden on the Examiner when the claimed inventions are established as being distinct or independent as indicated in MPEP § 817 and the Examiner's Notes for these form paragraphs. Applicants respectfully submit that recitation of these form paragraphs alone is not sufficient to properly establish distinctness or independence of claimed inventions. Nor is recitation of these form paragraphs alone sufficient to properly establish a serious burden on the Examiner when the claimed inventions have not been established as being distinct or independent. The Examiner's response to Applicants' arguments in their Response to the Restriction Requirement does not set forth any further reasons for concluding distinctness or independence among the claimed inventions or establishing a serious burden on the Examiner. Accordingly, Applicants respectfully request the Restriction Requirement be withdrawn and all claims be examined at this time.

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**Rejection of Claims 1, 8, 14, 18 and 20 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph:**

Claims 1, 8, 14, 18 and 20 stand rejected as being indefinite under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph for use of the term “designated sorts” which is considered by the Examiner to be a relative term and not adequately defined in the specification.

Claims 1, 8, 14, 18 and 20 have been amended to recite the term “designated classes” rather than “designated sorts.” Applicants respectfully submit that the term “designated classes” is not relative and is adequately defined in the specification. Applicants respectfully submit that claims 1, 8, 14, 18 and 20, as amended, particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 8, 14, 18 and 20 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph.

Claims 1, 8, 14, 18 and 20 stand rejected as being indefinite under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph for use of the term “the pair of the objects” which has insufficient antecedent basis in those claims. Claims 1, 8, 14, 18 and 20 have been amended to recite the term “a set of objects” rather than “the pair of the objects.” Applicants respectfully submit that the term “a set of objects” requires no antecedent basis in the claims and is consistent with other claim terminology. Applicants respectfully submit that claims 1, 8, 14, 18 and 20, as amended, particularly point out and distinctly claim the subject matter the Applicants regard as the invention. Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 8, 14, 18 and 20 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph.

**Rejection of Claims 1-3, 8, 9, 14, 15, 18 and 20 under 35 U.S.C. § 102(e) based upon Rhoads ('0110185):**

Claims 1-3, 8, 9, 14, 15, 18 and 20 stand rejected as being anticipated by the published application of Rhoads, US 2003/0110185 (hereinafter Rhoads ('0110185), under 35 U.S.C. § 102(e).

Broadly, Rhoads ('0110185) discloses a geographically-based database that associates the contents of a file contained in a database with a geographic position on a map or globe. The database is created by extracting geographically related information from a particular file, be it a picture, an audio file, a text file, etc. This data is then transmitted to a processing system that organizes the geographically related information from many files and maps the files into a sequence of "gores" (segments of global longitude).

The particular "gore" that a file is mapped into depends upon the global longitude of the geographic position associated with the file. The particular position of the file within a "gore" depends upon the global latitude of the geographic position associated with the file. An electronic "push pin" (virtual marker) that identifies and links to a particular file is placed in the sequence of "gores" for each file according to the geographic position associated with a particular file. The end result is a virtual globe or map depicting a number of "push pins" that identify and link to files associated with the particular geographic location of the "push pin" on the virtual globe or map. A user may then use this map or globe to view files on the basis of a geographic association contained within the file by accessing the files through the "push pins". For instance, a "push pin"

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at the global position of Pittsburgh, PA may link to an aerial image of Point State Park or a "push pin" at the global position of Alexandria, VA may link to a traffic update for the Capital Beltway. The appearance of a "push pin" may vary depending upon the content of the file, the type of file being linked to or the age of the information contained within the file. The database may be filtered so that only "push pins" associated with files having certain attributes appear on the virtual globe or map. Also, "push pins" of interest from a larger grouping may be selected by dragging a square or circular border around a group of pins of interest. Thusly, a user may search for files on a geographical proximity basis. (Figs. 1-3, ¶¶ [0008]-[0036] & [0043]-[0047]).

Applicants' current invention, on the other hand, constitutes a system and method for displaying objects contained within a database according to position information and attribute information included in the objects on an electronic map. The system selects certain objects for display on the electronic map based on the position information and a designated class of attribute information included in the objects. A designated class of attribute information may relate to a type of transaction, or a type of business or service, or a franchise, or sales volume, etc. occurring at a particular geographic location. The system generates sets of these objects based upon a certain number of designated classes of attribute information included in the objects and upon a designated geographic proximity between objects in a set.

The system displays and indicates the generated sets by placing an indicating figure, such as a circle or a rectangle, on the electronic map about the objects included in the sets with the center of the figure being located at the approximate geographic center of the objects included in a particular set. A threshold value may be applied so that only

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objects including a certain quantifiable class of attribute information are displayed or can be used to generate a set or a certain number of occurrences of objects including a designated class of attribute information within a designated geographic proximity are necessary to generate a set. The appearance of the indicating figure may vary to rank or categorize sets based upon some quantifiable value. For instance, a user might wish to view all of the instances of government buildings and mass-transit stops occurring within 500 yards of each other within the Capital Beltway. The user would ask the system to locate and display all objects that include attribute information related to being a government building or a mass-transit stop within the Capital Beltway on an electronic map. The user would also ask the system to generate sets of these objects located within 500 yards of each other and display and indicate each set by putting a circle centered between the government building and the mass transit stop about each occurrence of a government building and a mass transit stop being located within 500 yards of each other.

The user may ask the system to exclude objects containing attribute information related to a government building where the government building has fewer than 100 employees working in the building. Or the user may ask the system to only display sets of two government buildings being located within 500 yards of a mass transit stop. Or the user may ask the system to rank or categorize sets based upon average number of people accessing mass transit at the stop and working in the building included in a particular set. The system would then vary the appearance of the indicating figure to show the user the category or rank of the set that the figure is indicating. Please note, the above language is meant to be explanatory only and is not meant to reference any of the embodiments as claimed and is not meant to indicate the scope or meaning of any of the claims.

Applicants respectfully submit that a claim is anticipated under Sec. 102 only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference (MPEP § 2131). Applicants respectfully submit that the disclosure in Rhoads ('0110185) is not sufficient anticipate independent claims 1, 8, 14, 18 and 20 under Sec. 102.

With regards to independent claims 1, 8, 14, 18 and 20 the claims recite the methods steps of or system elements for forming a set of objects based upon geographic proximity of the objects and the inclusion of a certain number of designated classes of attribute information within the objects, selecting objects to be displayed based upon geographic location, displaying objects according to their designated attributes, assigning an indicating figure to correspond to a formed set and designating position coordinates for the objects and the indicating figures to be displayed, and placing the objects and the indicating figures on an electronic map based upon the designated position coordinates.

Rhoads ('0110185) discloses a system for depicting a database of files on a virtual globe by placing "push pins" at geographic locations on the globe corresponding to certain geographic information contained within the files. The pins that the database will display can be filtered to only show a certain type of file and the field of search can be narrowed to a certain geographic area (¶¶ [0008]-[0036] & [0043]-[0044]). Applicants respectfully submit that the system of Rhoads ('0110185) does not disclose the assignment, designation or placement of indicating figures corresponding to formed sets of objects having geographic proximity and including a certain designated classes of attribute information, as is currently claimed. Even if one were to construe the filtering function in the system of Rhoads ('01180185) as performing some type of set forming



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function, Rhoads ('0110185) contains no feature or function corresponding to assignment of an indicating figure to each formed set, designating position coordinates for each indicating figure and then displaying that indicating figure on an electronic map.

In the rejection of claim 1 the Examiner merely points toward ¶¶ [0043]-[0044] of Rhoads ('0110185) for the disclosure of such an indicating figure. However, those paragraphs relate how the system of Rhoads ('0110185) goes about performing a search. No mention of an indicating figure, according to the current claims, is made. In the rejection of claims 2 and 3 the Examiner elaborates further stating that the "push pins" disclosed by Rhoads ('0110185) correspond to Applicants' claimed indicating figure. Applicants respectfully disagree with the Examiner's contention. A "push pin" as disclosed by Rhoads ('0110185) "corresponds to one item of data" (¶ [0016]) not to a formed set of objects as is currently claimed. Moreover, Applicants' claimed system displays not only indicating figures but also individual objects.

If the "push pins" of Rhoads ('0110185) are to be taken as indicating figures then the Examiner has not explained what features in the system of Rhoads ('0110185) are to be taken as corresponding to Applicants' claimed display of objects. Applicants' claimed system positions and displays both objects and indicating figures that correspond to a formed set of objects. Rhoads ('0110185) only positions and displays "push pins." Claims 1, 8, 14, 18 and 20 are allowable over Rhoads ('0110185) for at least the foregoing reasons. Applicants respectfully request that the Examiner withdraw the rejections of claims 1, 8, 14, 18 and 20 for being anticipated by Rhoads ('0110185) under Sec. 102(e).

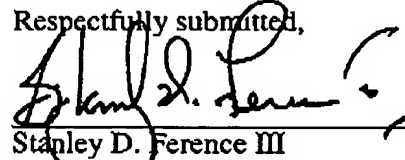
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Claims 2, 3, 9 and 15 are all dependent claims depending from the independent claims previously discussed and as such are allowable over Rhoads ('0110185) for at least the same reasons as the previously discussed independent claims. Applicants respectfully request that the Examiner withdraw the rejections of claims 2, 3, 9 and 15 for being anticipated by Rhoads ('0110185) under Sec. 102(e).

In view of the foregoing, it is respectfully submitted that Claims 1, 8, 14, 18 and 20 fully distinguish over the applied art and are thus in condition for allowance. It is also respectfully submitted that dependent Claims 2, 3, 9 and 15 are also in condition for allowance.

In summary, Claims 1-3, 8, 9, 14, 15, 18 and 20 are fully distinguishable over the applied art and immediately allowable. Notice to that effect is hereby earnestly solicited. Also, withdrawal of Examiner's Restriction Requirement and examination of claims 4-7, 10-13, 16, 17 and 19 in the current application is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

  
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